

**Air Pollution Control
Federal Clean Air Act (CAA) Title V Permit to Operate
Statement of Basis for Draft Permit No. V-UO-000002-2013.00**

**Questar Pipeline Company
Fidlar Compressor Station
Uintah and Ouray Reservation
Uintah County, Utah**

I. Facility Information

A. Location

Questar Pipeline Company's (QPC) Fidlar Compressor Station (Fidlar) is located within the exterior boundaries of the Uintah & Ouray Indian Reservation, in the northeastern part of the State of Utah, in Uintah County. Fidlar is located in the [SEQ CHAPTER \h \r 1]SW 1/4, NW 1/4, Section 16, T9S, R22E. The facility mailing address is:

Questar Pipeline Company
1140 West 200 South, P.O. Box 45360
Salt Lake City, UT 84145-0360

B. Contact

Facility Contact:

Scott Bassett, Sr., Environmental Coordinator
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801-324-3820

Responsible Official:

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Tribal Contact:

Minnie Grant, Air Coordinator, Energy, Minerals, and Air
Ute Indian Tribe
P.O. Box 70
Fort Duchesne, UT 84026
435-725-4950

C. Description of Operations

Fidlar is an integral part of QPC's interstate-pipeline transmission system. The facility provides critical transportation compression needs of the natural gas shippers on QPC's southern transmission system. Fidlar receives natural gas from and delivers it to any one of QPC's main lines that transport natural gas east, west and north to existing markets and interconnecting points with other interstate pipelines.

There are currently four compressors operating at Fidar. Natural gas-fired turbines drive three compressors, and a natural gas-fired internal combustion engine drives one. The facility is also equipped with one natural gas-fired reciprocating internal combustion engine used to drive a standby emergency generator. The generator provides electric power to the station during power outages only. All equipment at Fidar burns pipeline quality natural gas as its only fuel source.

Natural gas enters the station then passes through separator tanks. The tanks allow any entrained liquids to drop out of the natural gas. Liquids and sludge are temporarily stored on site and then removed by truck. The natural gas then passes through scrubbers consisting of cloth type filters to remove natural gas laden impurities. Impurities are occasionally blown to the pressurized storage vessel or sludge tank. Natural gas pressure is then boosted by the compressor units. After compression, the natural gas is cooled by cooling fans which draw ambient air over the pipes to the cool the natural gas. There is no contact between the cooling air and natural gas. There are numerous shutdown and relief valves associated with the facility. A natural gas-fired boiler provides heat to the buildings. A natural gas-fired line heater is used to prevent station fuel natural gas line freezing.

D. Emission Points

Table 1 lists emission units and emission generating activities, including any air pollution control devices. The Title V Operating Permit Program at 40 CFR Part 71 (Part 71) allows the Permittee to separately list in the permit application units or activities that qualify as “insignificant” based on potential emissions below 2 tons per year (tpy) for all regulated pollutants that are not listed as hazardous air pollutants (HAPs) under section 112(b) and below 1,000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAPs. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement. Units and activities that qualify as “insignificant” for the purposes of the Part 71 application are in no way exempt from applicable requirements or any requirements of the Part 71 permit.

Table 1 – Emission Units and Emission Generating Activities

Emission Unit Id. No.	Description	Control Equipment
FS01	11.16 MMBtu/hr (1,019 hp), natural gas-fired turbines for natural gas compression. Solar Saturn T-1001S-205 Serial Number: 30283 Installed: 1969 (Pre-NSPS GG) Replaced: 7/21/2004 (NSPS GG)	None
FS03	Serial Number: 20487 Installed: 10/1/1995 (NSPS GG) Replaced: 6/12/2004 (NSPS GG)	
FS05	37.05 MMBtu/hr (4,028 hp), natural gas-fired turbine for natural gas compression. Solar Centaur T4700S Serial Number: 5109C Installed: 1/21/2008 (NSPS GG) Replaced: 4/2007 (NSPS GG)*	None
FS02	10.79 MMBtu/hr (1,061 hp), natural gas-fired internal combustion engine for natural gas compression. White Superior 12G-825, 4 stroke rich burn Serial Number: 299499 Installed: 12/3/1983	AFR (Air/Fuel Ratio Controller) & NSCR(Non-Selective Catalytic Reduction) installed 9/1995

FS07	6.54 MMBtu/hr (643 hp), natural gas fired stand by engine for emergency power generator. Cummins GTA28 CC Serial Number: 25352466 Installed: 1995 Replaced: Plan 11/2010 or 12/2010 (NSPS JJJJ, MACT ZZZZ)	AFR & NSCR
QPC Tank	400 bbl condensate sludge storage tank, 42,000 gal/year throughput: Serial Number: unknown Installed: pre-1991	None
QPC Truck Loadout	42,000 gal/year tank truck loading unit: Serial Number: unknown Installed: pre-1991	None
FS08	Fugitive emissions from valves, seals, pumps, etc.	None

* Mfg = Manufactured; hp = horsepower;

MMBtu/hr = million British thermal units per hour.

** The replacement unit for FS05 was initially installed at the Blind Canyon Compressor Station after 2/18/2005, so this unit would appear to be subject to NSPS KKKK. However, Questar provided evidence that a continuous program of construction commenced prior to NSPS KKKK trigger date.

E. Potential to Emit

Pursuant to 40 CFR 52.21, potential to emit (PTE) is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable. Independently enforceable applicable requirements are considered enforceable to the extent that the source is in compliance with the standard. In addition, beneficial reductions in non-targeted pollutants resulting from compliance with an independently enforceable applicable requirement may be counted towards PTE provided the emission reduction of the non-targeted pollutant is enforceable as a practical matter and compliance is being met. See the 1995 guidance memo signed by John Seitz, Director of the Office of Air Quality Planning and Standards titled, "Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act".

Questar reported the emission unit-specific PTE in their Part 71 permit application. The White Superior 12G-825 compressor engine at Fidler (FS02) is equipped with an AFR and a NSCR, three-way catalytic converter emissions control device. The compressor engine is subject to a federally enforceable permit requiring the use of the control system to reduce emissions of nitrogen oxides (NO_x).

Certain emission units at Fidler are subject to New Source Performance Standards (NSPS) and MACT (Maximum Available Control Technology) requirements. The emergency generator FS07 is subject to the subparts NSPS JJJJ and MACT ZZZZ as discussed in Section II, Applicable Requirements Review of this statement of basis, and the corresponding permit. The natural gas-fired turbines FS01, FS03, and FS05 are all subject to NSPS GG which is also discussed in Section II, Applicable Requirements Review of this statement of basis, and corresponding permit.

This facility is also subject to the requirements of synthetic minor permit number SMNSR-OU-000002-2013.001, issued on November 1, 2016, pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49. The MNSR permit requirements established enforceable restrictions on the PTE of NO_x from engine FS02.

The PTE in Table 2 are based on the applicable legally and practically enforceable requirements outlined in the draft permit, and, for the purposes of emission units FS01, FS02, FS03, FS05, and FS07, reflect controlled emissions.

Table 2 – Potential-to-Emit With Legally and Practically Enforceable Controls

Emission Unit Id.	Regulated Air Pollutants						
	NO _x * (tons/yr)	VOC (tons/yr)	SO ₂ (tons/yr)	PM ₁₀ (tons/yr)	CO (tons/yr)	Lead (tons/yr)	HAP (tons/yr)
FS01	29.22	0.11	0.07	0.34	47.43	0	0.04
FS02	20.49	10.25	0.07	0.97	20.49	0	1.42
FS03	29.22	0.11	0.07	0.34	47.43	0	0.04
FS05	24.67	0.36	0.23	1.13	19.80	0	0.12
FS07	0.71	0.36	<0.01	0.03	1.42	0	0.05
FS08	0	4.24	0	0	0	0	0.02
QPC Tank	0	3.45	0	0	0	0	0.12
QPC Loadout	0	0.08	0	0	0	0	0.01
Insignificant Sources	1.07	0.07	<0.01	0.08	0.90	0	<0.01
TOTAL	105.38	19.02	0.45	2.90	137.46	0	1.82

*NO_x = nitrogen oxide; CO = carbon monoxide; VOC = volatile organic compound; PM = particulate matter; SO₂ = sulfur dioxide; CH₂O = formaldehyde; HAP = hazardous air pollutant.

II. Applicable Requirement Review

The following sections discuss the information provided by Questar in their Part 71 application, certified to be true and accurate by the Responsible Official of this facility.

A. **40 CFR 52.21 - Prevention of Significant Deterioration**

The Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR Part 52 is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a “major” stationary source or “major” modification of an existing stationary source. Source size is defined in terms of “PTE,” which is its capability at maximum design capacity to emit a pollutant, except as constrained by existing legally and practically enforceable conditions applicable to the source. A new stationary source or a modification to an existing minor stationary source is major if the proposed project has the PTE any pollutant regulated under the CAA in amounts equal to or exceeding specified major source thresholds, which are 100 tpy for 28 listed industrial source categories and 250 tpy for all other sources. The PSD Permit Program also applies to modifications at existing major sources that cause a “significant net emissions increase” at that source. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21.

According to information provided by QPC in the Part 71 renewal application, and historical permit applications in the EPA’s records, this facility became a major PSD source for NOX in 1983 when adding compressor engine unit FS02. The modification project was a minor

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modification (PTE of all criteria pollutants less than 250 tpy), and, therefore, did not trigger the requirement for PSD review and permitting. However, the major source status meant that any increases in emissions from a future modification would need to be evaluated against the PSD significance levels (lower than PSD major source thresholds). In September 1995, QPC voluntarily installed and began operating an AFR and NSCR control system on the engine to control NO_x emissions. However, though the control system did not become federally enforceable until the effective date of a significantly modified Part 71 permit on July 15, 2011 (permit number V-UO-0002-05.01, effective on July 25, 2011), which established enforceable emissions limitations requiring installation and operation of the controls. Therefore, as of July 25, 2011 Fidler was no longer considered a major PSD source. Those enforceable limitations were transferred to a synthetic minor MNSR permit, issued on November 1, 2016. Any analysis of criteria pollutant emissions increases from future modifications at the facility may be evaluated against the major source emissions threshold of 250 tpy.

B. 40 CFR part 60, subpart A: General Provisions.

This subpart applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in part 60. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 60.

As explained below, the turbines operating at Fidler are subject to subpart GG of part 60 and the generator engine is subject to subpart JJJJ of part 60 therefore, the General Provisions of part 60 apply.

C. 40 CFR part 60, subpart GG: Standards of Performance for Stationary Gas Turbines.

This rule applies to stationary gas turbines, with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 MMBtu/hr), that commenced construction, modification, or reconstruction after October 3, 1977.

Based on the information provided by QPC in their Part 71 application, turbine units FS01, FS03, (11.17 MMBtu/hr each) and FS05 (37.05 MMBtu/hr) are affected facilities and therefore are subject to this subpart.

D. 40 CFR part 60, subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

This subpart establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition (SI) internal combustion engines (ICE) that commenced construction, modification or reconstruction after June 12, 2006, where the SI ICE are manufactured on or after specified manufacture trigger dates. The manufacture trigger dates are based on the engine type, fuel used, and maximum engine horsepower.

Based on the information provided by QPC in their Part 71 application, emergency generator engine unit FS07 has a construction or manufacture date after June 12, 2006. Therefore, this subpart applies to this engine.

E. 40 CFR part 60, subpart KKKK: Standards of Performance for Stationary Combustion Turbines.

This subpart establishes emission standards and compliance schedules for the control of

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emissions from stationary combustion turbines that commenced construction, modification or reconstruction after February 18, 2005. The rule applies to stationary combustion turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 MMBtu) per hour.

According to QPC, turbine units FS01 and FS03 operating at Fidar were initially installed or have been replaced prior to February 18, 2005. FS05 was replaced in November of 2005, after the trigger date of this subpart. However, QPC provided evidence in its renewal applications dated May 27, 2005, April 4, 2007, and November 23, 2007 that the turbine was installed previously at the Blind Canyon Compressor Station and a continuous program of construction commenced prior to the subpart KKKK applicability date. EPA has no other evidence that indicates that the turbines have been replaced with new units or have been modified or reconstructed after February 18, 2005. Therefore, based on the information provided by QPC, this rule does not apply to any turbines operated at the facility.

F. 40 CFR part 60, subpart OOOO: Standards of Performance for Crude Oil and Natural Gas production, Transmission, and Distribution

This subpart establishes emission standards for the control of VOC and SO₂ emissions from affected facilities that commence construction, modification, or reconstruction after August 23, 2011.

Affected facilities include, but are not limited to well completions, centrifugal compressors, reciprocating compressors, pneumatic controllers, storage vessels, and sweetening units.

Based on the information provided by QPC in their Part 71 application, the current equipment at Fidar predates the applicability date for this subpart. Therefore, this facility is not subject to this subpart.

G. 40 CFR part 60, subpart OOOOa: Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015

This subpart establishes emission standards for the control of VOC and SO₂ emissions from affected facilities that commence construction, modification, or reconstruction after September 18, 2015.

Affected facilities include, but are not limited to well completions, centrifugal compressors, reciprocating compressors, pneumatic controllers, storage vessels, and sweetening units.

Based on the information provided by QPC in their Part 71 application, the current equipment at Fidar predates the applicability date for this subpart. Therefore, this facility is not subject to this subpart.

H. 40 CFR Part 63, Subpart A: National Emission Standards for Hazardous Air Pollutants for Source Categories, General Provisions.

The requirements of Subpart A of Part 63 apply to sources that are subject to the specific subparts of Part 63.

Subpart A does not apply because Fidar is only subject to MACT ZZZZ for area sources, which refers to NSPS JJJJ and no further requirements apply, including subpart A.

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I. 40 CFR part 63, subpart HH: National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.

This subpart establishes emission standards for the control of HAP emissions from affected units located at natural gas production facilities that process, upgrade, or store natural gas prior to the point of custody transfer, or that process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. The affected units are glycol dehydration units, storage vessels with the potential for flash emissions (as defined in the rule) and the group of ancillary equipment and compressors intended to operate in volatile HAP service which are located at natural gas processing plants.

Based on the information provided by QPC in their Part 71 application and our review of that information, Fidlar does not operate any storage vessels with the potential for flash emissions (as defined in the rule) or Triethylene Glycol (TEG) dehydration units. Therefore, this facility is not subject to this subpart.

J. 40 CFR part 63, subpart YYYY - National Emission Standards for Hazardous Air Pollutants from Stationary Combustion Turbines.

This rule establishes national emission limitations and work practice standards for HAPs emitted from Stationary Combustion Turbines. The affected source includes the stationary combustion turbine located at a major source of HAP emissions.

According to QPC, Fidlar is not subject to this subpart because it is not a major source of HAPs as determined from the requirements of this rule.

K. 40 CFR Part 63, Subpart ZZZZ (MACT ZZZZ): National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

This rule establishes national emission limitations and operating limitations for HAPs emitted from stationary spark ignition internal combustion engines (SI ICE) and stationary compression ignition internal combustion engines (CI ICE).

According to the information provided by QPC, Fidlar is currently a minor source of HAP emissions. Therefore, only the portions of the rule that apply to engines operating at area sources may potentially apply. FS02 is an existing spark ignition engine constructed before 6/12/2006. Therefore, this rule does not apply to FS02. Emergency engine FS07 was constructed after 6/12/2006. Therefore, this rule does apply to FS07. The MACT ZZZZ standard refers to NSPS JJJJ for applicable requirements to FS07. No further requirements apply under part 63, including subpart A.

L. 40 CFR Part 64: Compliance Assurance Monitoring

Pursuant to requirements concerning enhanced monitoring and compliance certification under the CAA, the EPA promulgated regulations to implement compliance assurance monitoring (CAM) for major stationary sources of air pollution, for purposes of Title V permitting that are required to obtain operating permits under Part 71. The rule requires owners or operators of such sources to conduct monitoring that provide a reasonable assurance of compliance with applicable requirements under the CAA. The effective date of this rule is November 21, 1997.

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1. CAM Applicability

According to 40 CFR 64.2(a), CAM applies to each pollutant specific emission unit (PSEU) located at a major source which is required to obtain a Part 71 permit if the unit satisfies all of the following criteria:

- (a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under 40 CFR 64.2(b)(1);
- (b) The unit uses a control device to achieve compliance with any such limit or standard; and
- (c) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tpy, required for a source to be classified as a major Title V source.

2. CAM Plan Submittal Deadlines

- (a) Large PSEUs. A CAM plan submittal for all PSEUs with the PTE (taking into account control devices) of any one regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tpy, required for a source to be classified as a major source, is due at the following times:
 - (i) On or after April 20, 1998, if by that date, a Part 71 application has either:
 - (A) Not been filed; or
 - (B) Not yet been determined to be complete.
 - (ii) On or after April 20, 1998, if a Part 71 permit application for a significant modification is submitted with respect to those PSEUs for which the requested permit revision is applicable; or
 - (iii) Upon application for a renewed Part 71 permit and a CAM plan has not yet been submitted with an initial or a significant modification application, as specified above.
- (b) Other PSEUs. A CAM Plan must be submitted for all PSEUs that are not large PSEUs, but are subject to this rule, upon application for a Part 71 renewal permit.

The turbines at Fidler (FS01, FS03, and FS05) are PSEUs subject to an emission limit, but none of these turbines use add-on control devices to achieve compliance. Therefore, none of the turbines are subject to the CAM requirements.

EPA has determined that the short-term lbs/hr and g/hp-hr NO_x emission MNSR limits applicable to engine FS02 make the unit subject to the CAM rule. However, the work practice, operational, testing, monitoring, recordkeeping, and reporting requirements already in the MNSR permit associated with those limits satisfy the requirements of the CAM rule at 40 CFR 64.6(c) and EPA determined that no additional monitoring requirements were necessary in the Part 71 permit to assure compliance. Specifically, the MNSR permit requires the temperature of the natural gas at the inlet to the NSCR and the pressure drop across the catalyst, both indicators of

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the catalyst's proper operation, to be maintained within an optimum range specified by the manufacturer of the control equipment. The MNSR permit requires initial and quarterly performance testing of the compressor engine to demonstrate compliance with the emission limits, as well as performance testing of the engine each time the catalyst is changed out. Additionally, the MNSR permit requires hourly monitoring of the temperature and pressure drop parametric indicators. The MNSR permit requires immediate corrective action to be taken if the parametric measurements deviate from the optimum ranges specified in the permit. The MNSR permit also requires monitoring of the CO emissions from the engine using a portable analyzer and EPA-approved portable monitoring protocol at least quarterly. The Part 71 permit requires the permittee to record and report to EPA semi-annually the results of all the required work practice, operational, testing, and monitoring.

M. 40 CFR Part 68: Chemical Accident Prevention Provisions

This rule applies to stationary sources that manufacture, process, use, store, or otherwise handle more than the threshold quantity of a regulated substance in a process. Regulated substances include 77 toxic and 63 flammable substances which are potentially present in the natural gas stream entering the facility and in the storage vessels located at the facility. The quantity of a regulated substance in a process is determined according to the procedures presented under 40 CFR 68.115. 40 CFR 68.115(b)(1) and (2)(i) indicate that toxic and flammable substances in a mixture do not need to be considered when determining whether more than a threshold quantity is present at a stationary source if the concentration of the substance is below one percent by weight of the mixture.

40 CFR 68.115(b)(2)(iii) indicates that prior to entry into a natural gas processing plant, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include condensate, field gas, and produced water.

Based on the information provided in QPC's Part 71 renewal application, Fidlar does not have regulated substances above the threshold quantities in this rule and therefore is not subject to the requirement to develop and submit a risk management plan.

N. 40 CFR Part 71: Emergency Provisions

In this draft Part 71 renewal permit, the EPA is proposing to not include the "Emergency Provisions" located in permit condition III.O. in the current effective Part 71 permit. These provisions were modeled on the "Emergency provision" contained in the regulations in 40 CFR Part 71 applicable to federal operating permit programs. Specifically, in the regulations discussing the contents of Title V operating permits issued under the federal operating permits program, 40 CFR 71.6(g) provides that certain "emergency" events can constitute "an affirmative defense in an action brought for non-compliance" with certain emission limits contained in the permit, when certain conditions are met. However, nothing in the CAA or

40 CFR Part 71 requires that these types of emergency provisions be included as conditions in operating permits issued by the EPA, and for the reasons discussed below, we are exercising our discretion not to include them in this draft part 71 renewal permit.

In 2014, a federal court ruled that the CAA does not authorize the EPA to create affirmative defense provisions applicable to certain enforcement actions. *See NRDC v. EPA*, 749 F.3d 1055 (D.C. Cir. 2014). The court ruled that Sections 113 and 304 of the CAA preclude the EPA from creating affirmative defense provisions in the Agency's regulations imposing HAP emission

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limits on sources. The court concluded that those affirmative defense provisions purported to alter the jurisdiction of federal courts generally provided in the CAA to assess liability and impose penalties for violations of emission limits in private civil enforcement cases, and that the CAA did not provide authority for the EPA to do so. Consistent with the reasoning in the *NRDC v. EPA* court decision, the EPA has determined that it is also not appropriate under the CAA to alter the jurisdiction of the federal courts through affirmative defenses provisions in its Title V regulations, such as those contained in the emergency provisions of 40 CFR 71.6(g), and that such provisions are inconsistent with the CAA. In light of the above-described D.C. Circuit Court decision and the EPA's obligation to issue Title V permits consistent with the applicable requirements of the Act, it is no longer appropriate to propose to include permit conditions modeled on affirmative defenses such as those contained in the emergency provisions of 40 CFR 71.6(g) in operating permits issued by the EPA.

Although the EPA views the Part 71 emergency provisions as discretionary (i.e., neither the statute nor the regulations mandate their inclusion in Part 71 permits), the EPA is considering whether to make changes to the Part 71 Permit Program regulations in order to ensure the EPA's regulations are consistent with the recent D.C. Circuit decisions; and if so, how best to make those changes. Until that time, as part of the normal permitting process, it is appropriate for the EPA permitting authorities to rely on the discretionary nature of the existing emergency provisions to choose not to continue to include permit terms modeled on those provisions in Part 71 permits that we are issuing in the first instance or renewing. By doing so, we are not only fulfilling the EPA's obligation to issue Title V permits consistent with the applicable requirements of the Act, but we will also help ensure that permittee's do not continue to rely on permit provisions that have been found legally invalid.

Accordingly, in this draft Part 71 renewal permit, the EPA is exercising its discretion to not include the "Emergency Provisions" located in permit condition III.O. in the existing effective Part 71 permit, in order to ensure the Part 71 permit is in compliance with the applicable requirements of the Act.

III. EPA Authority

Title V of the CAA requires that the EPA promulgate, administer, and enforce a federal operating permit program when a state does not submit an approvable program within the time frame set by Title V or does not adequately administer and enforce its EPA approved program. On July 1, 1996 (61 FR 34202), the EPA adopted regulations codified at 40 CFR Part 71 setting forth the procedures and terms under which the agency would administer a federal operating permit program. These regulations were updated on February 19, 1999 (64 FR 8247) to incorporate the EPA's approach for issuing federal operating permits to stationary sources in Indian country.

As described in 40 CFR 71.4(a), the EPA will implement a Part 71 program in areas where a state, local, or tribal agency has not developed an approved Part 70 program. Unlike states, tribes are not required to develop operating permits programs, though the EPA encourages tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the "Tribal Authority Rule"). Therefore, within Indian country, the EPA will administer and enforce a Part 71 federal operating permit program for stationary sources until a tribe receives approval to administer their own operating permit program.

IV. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the

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permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the Permittee and the EPA in such determinations.

V. Public Participation

A. Public Notice

As described in 40 CFR 71.11(a)(5), all Part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 CFR 71(d).

There will be a 30 day public comment period for actions pertaining to a draft permit. Notification will be given for this draft permit by mailing a copy of the notice to the permit applicant, the affected state, tribal and local air pollution control agencies, the city and county executives, and the state and federal land managers which have jurisdiction over the area where the source is located. A notification will be provided to all persons who have submitted a written request to be included on the mailing list.

If you would like to be added to our mailing list to be informed of future actions on these or other CAA permits issued in Indian country, please send an email using the link for the Uintah and Ouray Indian Reservation provided at [HYPERLINK "<http://www2.epa.gov/region8/air-permit-public-comment-opportunities>"], or send your name and address to the contact listed below:

Part 71 Permitting Lead
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

Public notice will be published in the Farmington Daily Times giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

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B. Opportunity to Comment

Members of the public will be given an opportunity to review a copy of the draft permit prepared by the EPA, the application, this Statement of Basis for the draft permit and all supporting materials for the draft permit. Copies of these documents are available at:

Uintah County Clerk's Office
147 East Main St #6
Vernal, UT 84078

and

Uintah and Ouray Reservation
Ute Indian Tribe
910 South 7500 East
Fort Duchesne, UT 84026

and

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U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

All documents are available for review at the Region 8 office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding federal holidays). Electronic copies of the draft permit, statement of basis and permitting record may also be viewed at:
<https://www.epa.gov/caa-permitting/caa-permit-public-comment-opportunities-region-8>.

Any interested person may submit written comments on the draft Part 71 operating permit during the public comment period to the Part 71 Permitting Lead at the address listed in Section A above, or by email using the instructions on the public comment opportunities web site address listed above. All comments will be considered and answered by the EPA in making the final decision on the permit. The EPA keeps a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believes any condition of the draft permit is inappropriate should raise all reasonable ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must be included in full and may not be incorporated by reference, unless the material has already been submitted as part of the administrative record in the same proceeding or consists of state or federal statutes and regulations, EPA documents of general applicability or other generally available reference material.

The final permit will be a public record that can be obtained upon request. A statement of reasons for changes made to the draft permit and responses to comments received will be sent to all persons who comment on the draft permit. The final permit and response to comments document will also be available online at: [HYPERLINK "<https://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-8>"].

C. Opportunity to Request a Hearing

A person may submit a written request for a public hearing to the Part 71 Permitting Lead, U.S. EPA Region 8, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, the EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. The EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

D. Appeal of Permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on the draft permit or participated in the public hearing may petition to the Environmental Appeals Board (EAB) to review any condition of the permit decision. Any person who failed to file comments or participate in the public hearing may petition for administrative review, only if the changes from the draft to the final permit decision or other new grounds were not reasonably foreseeable during the public comment period. The 30-day period to appeal a permit begins with the EPA's service of the notice of the final permit decision.

The petition to appeal a permit must include a statement of the reasons supporting the review, a demonstration that any issues were raised during the public comment period, a demonstration

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that it was impracticable to raise the objections within the public comment period, or that the grounds for such objections arose after such a period. When appropriate, the petition may include a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous; or, an exercise of discretion, or an important policy consideration that the EAB should review.

The EAB will issue an order either granting or denying the petition for review, within a reasonable time following the filing of the petition. Public notice of the grant of review will establish a briefing schedule for the appeal and state that any interested person may file an amicus brief. Notice of denial of review will be sent only to the permit applicant and to the person requesting the review. To the extent review is denied, the conditions of the final permit decision become final agency action.

A motion to reconsider a final order shall be filed within ten days after the service of the final order. Every motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for reconsideration shall be directed to the Administrator rather than the EAB. A motion for reconsideration shall not stay the effective date of the final order unless it is specifically ordered by the EAB.

E. Petition to Reopen a Permit for Cause

Any interested person may petition the EPA to reopen a permit for cause, and the EPA may commence a permit reopening on its own initiative.

The EPA will only revise, revoke and reissue, or terminate a permit for the reasons specified in 40 CFR 71.7(f) or 71.6(a)(6)(i). All requests must be in writing and must contain facts or reasons supporting the request. If the EPA decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denial of these requests is not subject to public notice, comment, or hearings. Denials can be informally appealed to the EAB by a letter briefly setting forth the relevant facts.